DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/14/2010 has been entered.

Response to Amendment

This action is in response to amendment filed 7/07/2010. Claims 23, 29 and 32 have been amended. Claims 23, 29 and 32 are pending and directed toward partial data playback on a client.

Response to Arguments

Applicant's arguments, see pages 7 and 8, filed 7/07/2010, with respect to the rejection(s) of claim(s) 23, 29 and 32 under Yamada et al. have been fully considered and are persuasive. Yamada does not disclose a graphical user interface configured to receive the position information within the received content. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lee and Joshi in view of Chou.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 23 recites an apparatus; however, the elements recited may reasonably be interpreted as solely software. The specification 61 line 11 recites that the processing may be performed by hardware, software, or a combination of hardware and software. As the unit elements may be interpreted as solely software the claim comprises no statutory elements and as such is non statutory.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiners will apply § 112, ¶ 6 to a claim limitation that meets the following conditions: (1) The claim limitation uses the phrase “means for” or “step for” or a non-structural term that does not have a structural modifier; (2) the phrase “means for” or “step for” or the non-structural term recited in the claim is modified by functional

language; and (3) the phrase "means for" or "step for" or the non-structural term recited in the claim is not modified by sufficient structure, material, or acts for achieving the specified function. (See Federal Register Vol. 76, No. 27 page 7167).

It is not clear what structure or acts the units of claim 23 reference in the detailed description.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23, 29 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 2003/0037331).

An information processing apparatus for performing acquiring content, comprising:

a data transmitting/receiving unit which executes data transmission and reception with a server storing the content; ("The client devices 110 are devices that request videos from the VoD system 100." Lee [41] discussing Figure 1; see also Figure 5)

a content requesting unit which generates and sends to the server content request data including partial content playback information; ("the method 200 includes a step 210 of receiving a particular client's request to receive a particular video" Lee [44])

a content playback control unit which controls playback of partial content received from the server through the data transmitting/receiving unit; ("To provide a complete VoD service, interactive playback controls such as pause-resume, slow motion, seeking, etc. are also supported in an embodiment of the VoD" Lee [96])

a content information analyzing unit which analyzes property information corresponding to the content received from the server, and which generates a graphical user interface, the property information including a position index information identifying of a partial content region within the received content and ("Seeking is the change from one playback point to another, Typically, the user initiates seeking either by giving a new destination time offset or by means of using a graphical user interface such as a slider or scroll bar." Lee [103], emphasis added)

a display unit which displays the graphical user interface, the graphical user interface comprising a graphical representation of a content list including the received content and the property information corresponding to the received content, ("Seeking is the change from one playback point to another, Typically, the user initiates seeking either by giving a new destination time offset or by means of using a graphical user interface such as a slider or scroll bar." Lee [103], emphasis added)

wherein the graphical user interface is configured to receive user input for editing the position index information to modify the identification of the partial content region

within the received content and ("Seeking is the change from one playback point to another, Typically, the user initiates seeking either by giving a new destination time offset or by means of using a graphical user interface such as a slider or scroll bar." Lee [103], emphasis added)

the content playback control unit is configured to playback only the partial content region of the received content having the edited position within the received content. ("Now if the seek position, denoted by t2, lies outside the client buffer, then the client may need to switch multicast channels to accomplish the seek." Lee [104] see also [105])

With respect to claims 29 and 32, Lee teaches: An information processing method for performing acquiring content, comprising:

generating content request data, the content request data including a partial playback identifier indicating that playback of only a portion of the content is requested; ("IF more precise seeking is needed, then a dynamic multicast channel is used to merge the client back to an existing static multicast channel" Lee [105])

transmitting the content request data to a server; ("the method 200 includes a step 210 of receiving a particular client's request to receive a particular video" Lee [44])

receiving, from the server, the content and property information associated with the received content, the property information including a position within the received content of the portion of the content to be played back; ("Seeking is the change from one playback point to another, Typically, the user initiates seeking either by giving a

new destination time offset or by means of using a graphical user interface such as a slider or scroll bar." Lee [103], emphasis added)

analyzing the property information to generate a graphical user interface comprising a graphical representation of a content list including the received content and the property information; and ("Seeking is the change from one playback point to another, Typically, the user initiates seeking either by giving a new destination time offset or by means of using a graphical user interface such as a slider or scroll bar." Lee [103], emphasis added)

displaying the graphical user interface to a user, wherein the graphical user interface is configured to receive input from the user for editing the position within the received content of the portion of the content to be played back; and ("Seeking is the change from one playback point to another, Typically, the user initiates seeking either by giving a new destination time offset or by means of using a graphical user interface such as a slider or scroll bar." Lee [103], emphasis added)

controlling playback is of the received content such that only the portion of the content having the edited position within the received content is played back. ("Seeking is the change from one playback point to another, Typically, the user initiates seeking either by giving a new destination time offset or by means of using a graphical user interface such as a slider or scroll bar." Lee [103], emphasis added)

Claims 23, 29 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi (US 2003/0095790), in view of Chou (US 6,637,031).

With respect to claim 23 Joshi teaches: An information processing apparatus for performing acquiring content, comprising:

a data transmitting/receiving unit which executes data transmission and reception with a server storing the content; (See Figure 6, Intelligent reception system 54)

a content playback control unit which controls playback of partial content received from the server through the data transmitting/receiving unit; ("After the navigation seek point data is displayed to the user, the user may input a selection of a seek point. . . . such a selection is sent from the playback control 33 to the receiver 66 within the seek point controller 58" Joshi [39])

a content information analyzing unit which analyzes property information corresponding to the content received from the server, and which generates a graphical user interface, the property information including a position index information identifying of a partial content region within the received content and ("The navigation file in the disclosed example is separate from any file containing all or part of the MPEG stream itself" Joshi [43]; "After the navigation information is displayed, the process 100 determines if a view has selected any of the navigation information presented on the display. If the viewer has not selected any of the navigation information, real time programming continues to be displayed" Joshi [47])

a display unit which displays the graphical user interface, the graphical user interface comprising a graphical representation of a content list including the received content and the property information corresponding to the received content, (See Figure 8; "viewing area 70 in which programming information such as television shows may be

presented. The display 34 also includes a number of sections of navigation seek point information" Joshi [38])

wherein the graphical user interface is configured to receive user input for editing the position index information to modify the identification of the partial content region within the received content and ("Once a navigation seek point selection is received by the receiver 66 from the playback control 33, the selection is communicated to the controller/selector 62 to affect presentation of the desired portion of the MPEG media presentation" Joshi [40])

the content playback control unit is configured to playback only the partial content region of the received content having the edited position within the received content. ("The controller/selector 62 then commands the control output 64 to relay the selection information, including the starting I-frame . . ." Joshi [40])

While Joshi contemplates a Video on Demand system (Joshi [20]) which transmits data "on-the-fly" (Joshi [30]), Joshi does not disclose that the client system requests data. As claimed: a content requesting unit which generates and sends to the server content request data including partial content playback information. Chou discloses a system by which start-up and seek delays are minimized (3:25) for a networked video delivery system. Where Chou describes seeking as: "For example, suppose a user directs the server to seek to a random access point in the interior of some pre-encoded content." (Chou 9:45).

A person of ordinary skill in the art would have modified Joshi with Chou by providing the user with a mechanism to request to start or seek within content.

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to provide a user request mechanism in order for users to specify desired content.

With respect to claims 29 and 32, Joshi teaches: An information processing method for performing acquiring content, comprising:

generating content request data, the content request data including a partial playback identifier indicating that playback of only a portion of the content is requested; ("Once a navigation seek point selection is received by the receiver 66 from the playback control 33, the selection is communicated to the controller/selector 62 to affect presentation of the desired portion of the MPEG media presentation" Joshi [40])

receiving, from the server, the content and property information associated with the received content, the property information including a position within the received content ("These individual audio and video elementary streams can be further assembled, or multiplexed, into a single stream with timing information in the packet headers that identify the time at which the contents of each packet should be presented." Joshi [03]) of the portion of the content to be played back; ("The navigation file in the disclosed example is separate from any file containing all or part of the MPEG stream itself" Joshi [43]; "After the navigation information is displayed, the process 100 determines if a view has selected any of the navigation information presented on the display. If the viewer has not selected any of the navigation information, real time programming continues to be displayed" Joshi [47]; "The controller/selector 62 then

commands the control output 64 to relay the selection information, including the starting I-frame . . .” Joshi [40])

analyzing the property information to generate a graphical user interface comprising a graphical representation of a content list including the received content and the property information; and (See Figure 8; “viewing area 70 in which programming information such as television shows may be presented. The display 34 also includes a number of sections of navigation seek point information” Joshi [38])

displaying the graphical user interface to a user, wherein the graphical user interface is configured to receive input from the user for editing the position within the received content of the portion of the content to be played back; and (“Once a navigation seek point selection is received by the receiver 66 from the playback control 33, the selection is communicated to the controller/selector 62 to affect presentation of the desired portion of the MPEG media presentation” Joshi [40])

controlling playback is of the received content such that only the portion of the content having the edited position within the received content is played back. (“The controller/selector 62 then commands the control output 64 to relay the selection information, including the starting I-frame . . .” Joshi [40])

While Joshi contemplates a Video on Demand system (Joshi [20]) which transmits data “on-the-fly” (Joshi [30]), Joshi does not disclose that the client system requests data. As claimed: transmitting the content request data to a server. Chou discloses a system by which start-up and seek delays are minimized (3:25) for a networked video delivery system. Where Chou describes seeking as: "For example,

suppose a user directs the server to seek to a random access point in the interior of some pre-encoded content." (Chou 9:45).

A person of ordinary skill in the art would have modified Joshi with Chou by providing the user with a mechanism to request to start or seek within content. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to provide a user request mechanism in order for users to specify desired content.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chao whose telephone number is (571)270-5657. The examiner can normally be reached on 8-4 Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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